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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,979	04/02/2004	Peter-Franz Arnold	41653-200624	7720
26694	7590	12/13/2007		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER HARMON, CHRISTOPHER R	
			ART UNIT	PAPER NUMBER
			3721	
			MAIL DATE	DELIVERY MODE
			12/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/815,979	ARNOLD ET AL.	
	Examiner	Art Unit	
	Christopher R. Harmon	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-12,14-17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,3-5,7-12,14-17 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4, 7-9, 11-12, 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Laursen et al. (US 4,640,810).

Laursen et al. disclose a method for producing a nonwoven comprising introducing fibers in a parallel direction to a rotational axis of at least one separating devices 32, 34, 44 with an outer drums 46 and inner separating elements 36, 38, 45 (rotational) and feeding the separated fibers to a conveyor 64 with a conveying direction parallel to the rotational axis; conveying chutes 40, 42, 58 see figure 1; column 9, lines 25+. Laursen et al. describes providing any number of separating devices as desired to mix contents with desired ratios (of differing types).

Regarding claims 8-9, note conduit 166 brings back reclaimed material for reintroduction therefore is considered a multi/bi-component material.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 16-17, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laursen et al. (US 4,640,810).

Regarding claim 5, Laursen et al. does not directly disclose inner rotational separating elements 36, 38 acting upon material between itself and outer drum, note figure 1 is not detailed. However Laursen et al. states "devices 32 and 34 can be in the nature of a hammermill, defibrator, or other suitable device for operating on the raw material..." column 9, lines 33+. Other separating devices described by Laursen et al. shown in figures 2-5 depict such a device with inlet feeding fibers in a parallel direction to rotating separating element 70 within outer drum 66. It would have been obvious to one of ordinary skill in the art at the time of the invention to include this separating device as the separating device 32 of Laursen et al. for separating the desired materials.

Regarding claim 16, it would have been obvious to one of ordinary skill in the art to modify both separating devices 32 and 34 as those depicted downstream ie. with outer drum 66 and inner rotating element 70 in order to separate the material before blending in chamber 44 positioned after conveying chutes 40, 42 upstream conveyor 64.

Regarding claims 17, 19-23 Laursen et al. discloses multiple separating devices with outer drums 66 and inner rotational devices 70 rotating in alternate directions to the drums (figure 5A) comprising different screens (slotted, perforated, etc.) see figures 7-9 for separating material onto conveyor 62 guided by conveying chutes (either side of

structure 67) enclose the separating devices extending below (downstream) for directing material onto conveyor 62 (below) forming a chamber 69 (suction box); see figure 1. However the conveyor is aligned in a perpendicular direction to conveyor 62. It would have been obvious to one of ordinary skill in the art at the time of the invention to position the conveyor 62 in the same (parallel) direction of the infeed 64 and rotational axes of inner separating elements 70 in order to convey the product in a desired direction. Note: it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70; "section 103 cannot easily be satisfied by inventions that rearrange old elements in new combinations with each element performing the same function it performed in the prior art, even though the new combination produces a more striking result than the old ones. *Sakraida v. Ag Pro, Inc.*, 425 U.S. 273 (1976).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laursen et al. (US 4,640,810) in view of Arthur et al. (GB 2145918).

Laursen et al. does not specify using a powder or granulate in the process however in a similar invention for producing a nonwoven to Arthur et al., Arthur et al. disclose adding granulate to the tow by unit 142; see figure 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a granulate or powder as taught by Arthur in order to dry the material as desired.

Response to Arguments

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6. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

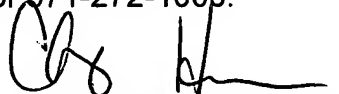
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher R Harmon
Primary Examiner
Art Unit 3721